

**2013 REQUEST FOR PROPOSALS  
No. 413019**

Laboratory Services Related to Investigation and Cleanup of  
State and Federal Superfund, Abandoned Mine, Petroleum Release Sites and Other  
Contaminants

Montana Department of Environmental Quality  
Remediation Division  
Helena, MT

## SCHEDULE

RFP Released.....November 18, 2013  
Deadline for Submitting Written Questions .....November 27, 2013  
Deadline for DEQ to Post Answers to Written Questions .....December 4, 2013  
**Deadline for Submittal of Proposals 3:00 p.m. Mountain time ..... December 16, 2013**  
RFP Selections Notified \* .....January 28, 2013

\*Date Subject to Change

## NOTICE

This Request for Proposals (RFP) is intended to pre-qualify contractors able to provide laboratory services associated with the investigation and cleanup of State (CECRA) and Federal (CERCLA) Superfund sites, Abandoned Mine sites, petroleum release sites, and other contaminants in Montana. From the date this RFP is issued until contractor pre-qualification is completed and announced by the Montana Department of Environmental Quality Remediation Division (DEQ), submitting firms (hereinafter referred to as "Offerors") may not communicate with any state staff or official regarding this solicitation except at the written direction of the Procurement Officer.

The Procurement Officer for this RFP, and her contact information, is:

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Department of Environmental Quality  
Room 3 Metcalf Building  
PO Box 200901  
Helena, MT 59620-0901

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All communication regarding this RFP must be in writing.

## SECTION I. GENERAL INFORMATION

Pursuant to § 18-4-304, MCA, DEQ is seeking qualified firms interested in supplying analytical laboratory services and geotechnical and materials testing services for addressing the investigation and cleanup of State (CECRA) and Federal (CERCLA) Superfund sites, Abandoned Mine sites, petroleum release sites, or other contaminants in Montana. DEQ invites you to submit a proposal to provide some or all of the following services:

- **Analytical Analysis:** Analyze samples of environmental media including, without limitation, groundwater, surface water, soil, vapor, air, liquid and solid waste for the listed analytical parameters, by the listed laboratory methods in Appendix A. All analyses must be completed within the recommended holding times, according to the laboratory method listed in Appendix A, included in the RFP files and incorporated by reference.
- **Geotechnical Analysis:** Analyze geotechnical and construction materials samples including, without limitation, laboratory testing of soils and aggregates, compaction testing, soil strength testing, soil permeability testing and concrete testing, by the listed laboratory methods in Appendix B. All analyses must be completed within the recommended holding times, according to the laboratory method listed in Appendix B, included in the RFP files and incorporated by reference..

All laboratory reports must be submitted to DEQ within fourteen (14) calendar days from the date the laboratory receives the samples, unless otherwise agreed in writing. If a shorter turnaround time for analytical reports is required, DEQ or its agents or contractors will notify the laboratory upon sample submission that a sample must be processed as a "Rush." Laboratory reports for samples submitted as "Rush" must be completed within five (5) days, unless otherwise agreed in writing.

Given the large quantity of samples that DEQ, its employees, representatives, agents, or contractors collect, and the variable workload constraints of laboratories, DEQ will contract with more than one laboratory to conduct analyses on an "as needed, if needed" basis. Discussions may be conducted with one or more Offerors submitting proposals, but proposals may be accepted and a contract issued without such discussions. In some instances, DEQ may use non-contract labs for sample analysis.

DEQ does not expect every Offeror to furnish all of the services listed in Appendix A and/or B. DEQ anticipates creating a roster of contracted firms with demonstrated experience in performing some or all of the services listed in Appendix A and/or B. DEQ will evaluate the Offeror's expertise and ability to provide analytical services against other Offerors and as set forth in the evaluation criteria. Each responding Offeror will identify only those services listed on the attached Appendix A and/or Appendix B that Offeror will provide.

All Appendices to this RFP document are included as separate files to this RFP.

The nature of the Work required by DEQ would include such activities as:

1. Analysis of samples of environmental media, including, without limitation, groundwater, surface water, soil, vapor, air, or other hazardous or non-hazardous waste as requested by DEQ.
2. Analysis of geotechnical samples including, without limitation, laboratory testing of soils, aggregates and concrete or other construction materials as requested by DEQ..
3. Drafting and finalizing reports related to the services provided.
4. Maintaining EPA or DEQ-approved procedures and protocols for sampling, chain of custody, laboratory analysis, instrument calibration, instrument maintenance, quality assurance, quality control, and reporting.

### **A. Deadline for Submittal of Proposals.**

It will be the Offeror's sole risk to assure delivery of one (1) original, seven (7) hard copies, and one (1) electronic copy of its proposal to the DEQ Procurement Officer by **3:00 p.m. Mountain Time on December 16, 2013. DEQ will not evaluate any proposal received after the deadline specified in this RFP.** ALL PROPOSAL DOCUMENTS MUST BE SEALED AND LABELED ON THE OUTSIDE OF THE PACKAGE clearly indicating it is in response to **RFP 413019.** The electronic copy must be included in the submittals and

delivered via disk (CD/DVD/DVR) or universal serial bus (USB) flash drive in Microsoft Word or portable document format (PDF). Facsimile responses to this RFP will not be considered.

Offerors failing to comply with instructions will be subject to point deductions or their proposal may be determined nonresponsive and disqualified from further consideration. A proposal may be determined nonresponsive if it fails to conform in all material respects to the RFP (§ 18-4-301 (11), MCA), if Offeror fails to register as a business entity with the Montana Secretary of State before contract execution, or if the proposal does not follow the response format, is difficult to read or understand, contains significant inaccuracies and/or false information, is determined to "Fail" any pass/fail scoring category or is missing requested information, any one of which may be determinative.

Proposals must provide a straightforward, concise description of the Offeror's qualifications. Proposals must not exceed 15 standard-sized (8 ½" x 11") pages in length. All information except resumes, cover letters, proposed contract changes and price lists/catalogues for proposed Offeror analytical services will be included in the page count. Each printed face of a page (front, back, etc.) will count as one (1) page; printing on both sides is encouraged. Please use Arial 11 or Times New Roman 12-point font with single line spacing. Information contained on any pages submitted beyond the 15-page limit will not be evaluated.

Offerors will be evaluated based upon the attached evaluation criteria, the Client reference responses, and other items outlined in this RFP.

DEQ will evaluate the submitted proposals ranking the Offerors by their scores, considering the relative skills and qualifications of the Offerors, the reasonableness of costs for services and number and type of services provided. DEQ, in its sole discretion, will select one or more firms to negotiate a contract to provide the required services.

Offerors must provide DEQ with all the information requested in this RFP.

## **B. Terms of Contract**

DEQ intends to execute contracts with an unspecified number of selected Offerors in the form of the draft Agreement included in the RFP files as Appendix C, and incorporated by reference. The contract, if formed, will be comprised of this Request for Proposals, Offeror's response, and an executed Agreement.

Offeror must notify DEQ no later than the RFP submission deadline of any proposed changes the Offeror is seeking to make to any of the terms and conditions of the draft Agreement. Suggested alternative language must be provided, and will not be included in the proposal page count. **DEQ will not negotiate any contract terms or provisions if proposed changes are not pre-identified by Offeror in writing and submitted with its proposal.**

The initial contract term is for a period of two (2) years from the Effective Date. The Effective Date which will be the latter of the two dates of signature by DEQ and the Contractor. Renewals of the contract, following review of contract performance, may be made at one or two year intervals or other interval advantageous to the state, not to exceed seven years or the applicable statutory limit. An Offeror that enters into a contract with DEQ will be required to submit updated qualifications for key personnel on an annual basis, at the request of DEQ, or when changes in key personnel occur. Rates accepted by DEQ for the initial term of the contract may be adjusted once annually. Proposed rate adjustments must be submitted to DEQ for consideration, and are effective after written DEQ acceptance. Proposed rate adjustments supported by sufficient justification will not be unreasonably denied by DEQ.

DEQ does not guarantee any specific amount of work if an Offeror is selected and signs a contract.

## **C. Offeror's Warranties**

By submitting a proposal the Offeror agrees to the Standard Terms and Conditions, included in the RFP files as Appendix D and incorporated herein by reference, and the draft Agreement included as Appendix C, unless Offeror submits proposed changes as outlined above.

The Offeror warrants to DEQ that it is available and qualified to perform the analyses it identifies in accordance with the laboratory methods set forth in Appendix A and/or B, within the timeframes prescribed by the laboratory methods in Appendix A and/or B, or within shorter timeframes upon request by DEQ and its agents, and that Offeror will perform the aforementioned analytical services for the prices submitted in its proposal.

Offeror warrants and certifies by submitting a response to this RFP that neither it, nor its principals, are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this Contract by any governmental department or agency. If the Offeror cannot certify this statement, attach a written explanation for review by DEQ.

The Offeror warrants to DEQ that the prices submitted are the market rates established without collusion of other eligible offerors and without effort to preclude the State of Montana from obtaining the best possible price.

Offeror's response to this RFP will remain firm for 120 days after the deadline for receipt of responses.

#### **D. Reserved Rights**

DEQ, in its sole discretion, reserves the right to accept, reject or refuse to consider any or all of the submitted proposals, wholly or in part, received in response to this document, and to select (or not select) any one or more of the Offerors to participate in negotiations for a contract for services, or make awards, in any manner deemed in the best interest of the State.

## SECTION II. REQUIREMENTS AND SCORING CRITERIA

Offerors will be ranked on the basis of the information described below. Please see the RFP No. 413019 Evaluation Form, included in the RFP files and incorporated by reference, which identifies the relative weight assigned to each of these criteria.

### A. Requirements for Proposals

Please provide the following information:

1. Offeror's company name, business form (i.e., corporation, limited liability company, partnership, sole proprietorship, etc.), tax identification number, name and contact information of its registered agent, and the name, title and physical address of company signatory (person authorized to sign the Agreement).
2. Name, title, mailing address, e-mail address, telephone number, and fax number of Offeror's point of contact for purposes of this RFP and any resulting contract.
3. Provide a list of Offeror's lab analyses and corresponding pricing, including:
  - a) All laboratory analysis and their corresponding pricing for analysis listed in Appendix A and/or B that Offeror will provide to DEQ;
  - b) Any price discounts available (e.g. volume, test repetition, etc.);
  - c) Any additional charges for providing laboratory services within a shortened, or rush, turnaround time;
  - d) Any other charges (e.g. special sampling equipment or special services); and
  - e) If DEQ is receiving Offeror's lowest and best rate for any or all analysis.

Each listed analysis must be performed in accordance with the method set forth in Appendix A and/or B and within the holding time prescribed by that method.

4. Provide position descriptions and attached resumes of key professional personnel that oversee, perform, and/or interpret analytical laboratory services under any contract entered into with DEQ. Please do not include lab technicians or similar personnel.
5. Indicate the length of time Offeror has been in business providing laboratory services described in this RFP.
6. List all quality assurance, performance standards, proficiency testing, or other accreditations met by Offeror's laboratories.
7. Provide a narrative statement describing:
  - a) Offeror's ability to meet deadlines;
  - b) Offeror's ability to meet EPA or method specific sample holding times; and
  - c) Offeror's ability to provide necessary sampling containers, chain of custody forms, and coolers upon request by DEQ.
8. Describe how Offeror stores electronic data, the format(s) in which Offeror maintains electronic data, and Offeror's ability to transfer analytical reports to DEQ electronically.
9. Provide examples of:
  - a) Offeror's expertise and reliability in handling and analyzing a variety of environmental samples for the parameters listed in Appendix A and/or B;
  - b) Offeror's expertise and reliability in implementing current laboratory methods set forth by EPA, or other commonly accepted industry methods;
  - c) Offeror's reliability in meeting the turnaround times set forth in this RFP; and

- d) Offeror's reliability in maintaining accepted protocols for sampling, chain of custody, laboratory analysis, instrument calibration and maintenance, quality control and assurance, sample storage and disposal and reporting.

10. Offeror will submit with its proposal three Client Reference Forms (attached as Appendix E) completed by three separate clients that are currently using, or have recently used, services of the type sought in this RFP. References may include private clients, governmental entities or universities that utilized a high volume of Offeror's laboratory services and that can verify Offeror's qualifications and expertise in performing the laboratory analyses. DEQ will calculate Offeror's Reference Score by taking the aggregate sum total of the three individual scores and dividing it by three. Each missing reference will be assigned a zero value.

A responsible party of the client (the Offeror's customer) must provide the reference information and must sign and date the form. Completed Client Reference Forms must be submitted in accordance with the Instructions for Offeror included in the RFP files as Appendix E, and incorporated by reference. Client Reference forms received by DEQ in any other manner will not be included in the evaluation process. Client Reference Forms exceeding the specified number will not be considered. The State will contact the client references for validation of the information provided. If the State finds erroneous or false information evaluation points may be deducted, or the proposal may be rejected.

## **B. Scoring Criteria (Please see the attached "Evaluation" and "Client Reference" forms).**

DEQ will score the Proposals using the scoring system described below and as set forth in the RFP No. 413019 Evaluation Form and the Reference Evaluation Form.

All Pass / Fails must be scored as "Pass" for the Proposal to be eligible for further consideration. DEQ may, in its sole discretion, make such investigations as it deems necessary, including using any knowledge of Offeror's past performance on any DEQ contracts, to verify the accuracy of all information provided by the Offeror.

DEQ will evaluate each proposal and the responses supplied by Offeror's references in accordance with the attached RFP No. 413019 Evaluation Form and the Evaluation of References.

**Evaluation of Proposals:** Each member of the evaluation committee will individually review and score each proposal in accordance with the attached Evaluation Form. Individual score sheets will be provided to the head of the committee, who will determine the average total score (Proposal Evaluation Score) for each Offeror by taking the aggregate sum total of all evaluation scores and dividing it by the number of evaluation committee members doing the scoring.

**Reference Checks:** One person from the evaluation committee will call the references provided on the Client Reference forms for validation of the information provided. When completed, Client Reference forms will be turned in to the head of the committee.

The scores for each reference will be totaled, and then the sum of all three reference totals will be determined and divided by three to yield the total Proposal Evaluation Score. The total Proposal Evaluation Score for each Offeror will be added together with the total Reference Check Score to produce a Total Combined Score for each Offeror.

DEQ will rank the Offerors by their Total Combined Scores, compare the services and experience of the Offerors, and notify the firms best qualified to provide the services sought of its intent to negotiate a contract.